PREAMBLE.

Whereas, the friends of Phalansterian Association are desirous of demonstrating for themselves, and to the world, the practicability of their theory, by establishing upon an ample material basis, a domain and phalanstery, and thereby extending indefinitely, the blessings of harmonic life; and, whereas, the accomplishment of such object requires a much larger capital than is at present, or perhaps will be for a long time to come, at the disposal of the friends of the cause; and, whereas, an opportunity now presents itself, in the late discovered gold mines of California, by a satisfactory union of capital and labor, through a proper organization, sustained by enterprise, devotion and energy, to realize their highest hopes: we therefore, whose names are hereunto subscribed, for the purpose of accomplishing the above named object, do adopt and establish the following

CONSTITUTION.

Article I.—Title.

This institution shall be entitled the Phalansterian Company.

Article II.—Objects.

The objects are, to unite on principles of just distribution of profits, the capital on one side, and the labor on the other, of Associationists, in a mining enterprise to California, which has a promise of such profits, as will justify the expectation of large returns to each, besides appropriating a liberal portion to Phalansterian realization; to apply, of that portion thus appropriated, a sufficient amount to place the North American Phalanx upon an ample material basis, for an Experimental Model Phalanx, where can be educated normally, Phalansterians for future Harmony; and to leave the whole, accumulated and accumulating profits, a perpetual fund, for the indefinite extension of Phalansterian realization.

Article III.—Capital.

Section 1*st.* The capital stock of the Phalansterian Company shall consist of not less than one hundred, nor more than five hundred shares, of one hundred dollars each.

Section 2*d.* To give each phalansterian, of limited means, who may be desirous to invest in the Phalansterian Company, and thereby promote the objects of the enterprise, an opportunity to subscribe to the capital stock, the company may issue a special stock, in shares of ten dollars each, which shall entitle the holder to the same ratio or proportion of profits as the shareholder of the general stock, and also to honorary membership in the company, but shall not confer the right to vote.

Section 3*d.* The stock subscribed, shall be paid, in such instalments, and at such times, as a majority of the Phalansterian Company shall determine, at its first regular meeting.

Article 4*th.* The funds of the company, arising from the payment of the shares of the capital stock, shall be expended by the Commercial Agent, with the co-operation of the President of the company, and the President of the California Legion.

Article IV.—Members.

Section 1*st.* Any Phalansterian Associationist, subscribing to the capital stock of the Phalansterian company, and to this constitution, shall become a member of the company, and vest himself with all the privileges and responsibilities contained in the provisions of this constitution; but shall cease to be a member on the non-payment of the subscription, according to the requirements of the company; or on disposing of, or transferring his interest in the stock, before the final dividend of two-eighths of the profits to the share-holders.

Section 2*d.* Any Phalansterian Associationist, shall become a member of the Phalansterian Company, on being admitted a member of the California Legion, by a majority vote of the Harmonian Council, at any regular meeting, or by a unanimous vote of the Board of Directors, at any of its regular meetings, and on signing this constitution.

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Article V.—Profits, and their Division.

Section 1*st.* The profits shall consist of all the earnings of the company, from whatever source, after deducting the necessary expense of the Harmonian Council, and the outfit, transportation, sustainance and return home of the California Legion, and shall be divided thus: Three-eighths among the members of the California Legion, to each, as required in article 7 sections 13 14 and 15, of this constitution; two-eighths to the share-holders, to be divided among them, in proportion to the amount of stock held by each, and three-eighths to the Harmonian Council, for the cause of Phalansterian Association, to be held and applied by them, on the conditions, under the restrictions, and for the purposes and objects set forth in the 9th article of this Constitution; and all dividends of profits not specially provided for in the Constitution, shall be made to the individuals and parties interested, immediately after the expiration of each term of service of the Legion, and the result fully ascertained from the Directors of the Legion by the Harmonian Council.

Section 2*d.* When the first three years term of service of the members of the California Legion, who had received the r outfit from the funds of the company, derived from stock originally subscribed by the share holders, shall have expired, and the profits on their labor ascertained and divided, two eighths to the share-holders, it shall be in full for all interest they, the share-holders, then have, in any profit of the company; and the two-eighths resulting to capital, on the labor of those members of the California Legion, who had received their outfit from the Harmonian fund, and all future dividend of two eighths, to capital, shall be divided to, set apart for, and become a part of the Harmonian fund.

Article VI.—Departments.

Section 1*st.* The Company shall be composed of two departments, denominated the Harmonian Council, and the California Legion.

Section 2*d.* The Harmonian Council shall consist of such share-holders as do not join the mining expedition, and such members of the California Legion, as have fulfilled their mission and returned.

Section 3*d.* The California Legion shall be composed of such persons as shall be accepted by the Company, and join and act with the mining expedition.

Article VII.—The Harmonian Council.

Section 1*st.* On all questions on which suffrage is to be exercised, each member of the Harmonian Council shall be entitled to but one vote.

Section 2*d.* The Harmonian Council shall elect a President, Vice President, Recording Secretary, Corresponding Secretary, Treasurer, Commercial Agent, and one Director, who shall constitute a Board of Directors, and ex-officio, the officers of the Phalansterian Company, whose time of service shall be for four years, after which they shall be elected annually.

Section 3*d.* No officer or agent shall be entitled to any compensation for service rendered, in the discharge of the duties of his office, or agency, beyond actual expenses, necessarily incurred.

Section 4*th.* The Harmonian Council shall be the depository of all the funds of the Company, whether arising from payment of shares subscribed to capital stock, or remittances of the product of the California Legion, and shall hold themselves bound in their collective and individual capacities, for its safe keeping, and faithful division, appropriation, application, and disbursement or payment, according to the requirements of this Constitution.

Section 5*th.* That portion of three eighths dividend to labor accruing to such members of the North American Phalanx as may have been accepted as members of the California Legion, shall, as it accumulates and is received by the Harmonian Council, be paid over to the Treasurer of the North American Phalanx on an order from its President, authorized by its Executive Council.

Section 6*th.* The Harmonian Council shall have the exclusive control, and temporary and final investment of the Harmonian Fund, under the provisions of this Constitution.

Section 7*th.* To extend the operations, enlarge the profits, and perpetuate the existence of the California Legion, the Harmonian Council shall appropriate one-fourth of the interest the Harmonian Fund has in each remittance from the California Legion, as soon as the remittance is received; and with it furnish outfits for such Phalansterians as may offer, and be accepted, as members of the California Legion, until the number of members actually engaged at the mines, shall amount to one hundred, at which number it shall be continued, by renewed appropriations and renewed acceptance of members, so long as the business shall remain profitable.

Section 8*th.* The acceptance of all members of the California

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Legion, shall be on condition of three years service, including the time of going and returning, or until the close of the labors of the Union, for those who choose to remain in California.

Section 9th. The Harmonian Council shall appropriate and pay over to the Executive Council of the North American Phalanx, from the Harmonian Fund, so much of each remittance from the California Legion, as shall have been the product to the Harmonian Fund of the labor of one member of the Legion, for the term of three years, provided that the North American Phalanx shall furnish not less than five members of the Legion; which appropriation may be applied, and used, in such manner as the North American Phalanx may judge most promotive of its interests.

Section 10th. For the purpose of sustaining the families of such members of the California Legion as may need support during their absence, the Directors of the Legion, shall, on application of any member, determine the amount his family may be entitled to draw from each remittance; which shall not amount to more than one-fourth of his interest in the results of his labors; and shall communicate the same to the President of the Harmonian Council, who shall cause it to be paid over to the person designated by the President of the California Legion.

Section 11th. The Directors shall effect such insurance on the outfit of the California Legion, and may on the lives of any, or all of its members, as they shall judge will best secure the Company against any possible loss, and may appropriate of the funds of the Company the amount necessary for the payment of the premium.

Section 12th. The Harmonian Council shall enact its own by-laws, consistent with the provisions of this constitution, by a majority of all its members, and may alter or amend them by a vote of two-thirds of all its members; such alteration or amendment having been submitted in writing, and each member furnished with a copy, at least one month previous to final action.

Article VIII.—The California Legion.

Section 1st. The California Legion shall consist of one man to every four shares of the capital stock of the company, each of whom, from devotion to the cause of Phalansterian Association, shall offer himself on the terms and requirements of this constitution, and be accepted by the Harmonian Council.

Section 2d. The officers of the California Legion shall consist of a President, Vice President, Recording Secretary, Corresponding Secretary and Treasurer; who shall be chosen by

the Harmonian Council, and who shall constitute a Board of Directors. Any vacancies that may occur in either of the offices, after the sailing of the Legion, shall be filled by the Legion, subject to be sanctioned or replaced by the Harmonian Council.

Section 3d. The term of office shall be for three years from the time of appointment, or until replaced by the Harmonian Council, but any officer may be suspended from the discharge of the functions of the office, and the office made vacant, by a vote of three-fourths of all the members of the Legion, under a charge made in writing, to the President, or if against the President, to the Vice President, signed by at least two members, for neglect of duty, or for violations of the provisions of this constitution.

Section 4th. The term of service of each member of the California Legion shall be for three years from the day of sailing to the day of return; or until the close of the labor of the Legion, for those who wish to remain in California.

Section 5th. The directors shall constitute a Sanatory Medical Council of three members, one of whom shall be of their own number, whose duty it shall be to advise such habits and modes of life as will secure the highest degree of health, and make, or cause early prescription for the sick, and secure the most prompt relief possible within their knowledge, to watch over the sick, and to relieve or mitigate the evils of sickness.

Section 6th. The use of intoxicating drinks are prohibited in all cases, except prescribed as medicine by a member of the Medical Council, by permission of the Council, and also playing at any game of hazard, where betting or any risk of any kind is involved; and the Legion shall institute such rules in relation to the subject as will best protect the members of the Legion against the practice of those habits.

Section 7th. If any member of the California Legion shall voluntarily withdraw his services from the Company he shall forfeit to the Phalansterian Company all his right to and interest in any previous earnings, and accumulations or profits of the Legion; and shall be held responsible to the company, for all cost and expense it may have sustained in his outfit and sustenance, and for all profits that might have resulted to the company from his labor during the time of his absence.

Section 8th. The supplies for outfits, containing all necessary buildings, implements, tools, furniture, means of transportation, clothing and sustenance, shall be purchased by the Commercial Agent, with the advice and co-operation of the President of the Phalansterian Company, and the President of the California Legion, and all future supplies ordered by the President of the

California Legion, with the advice of the President and Treasurer of the Company.

Section 9th. The principle of working in groups shall be adopted, and all necessary time during the voyage to California, shall be devoted to organizing the Legion into groups of suitable size, to produce harmony and efficiency of action, requiring weekly statistical accounts, to be recorded of the operations of each group, by its Chief, who shall keep an account of the labor of each member, and its result, and report the same to the President, as often as the board of directors may require.

The California Legion, shall also, during the voyage, establish by a majority vote, rules of guaranty, for all loss of time by sickness and death of members during the expedition, which rules, shall establish a specific per cent, on the value of the labor of each member, of each class, when well; and the time lost by sickness shall be computed at the rate per cent established for the sick, and the unexpired time of the dead after suspending work, shall be computed at the rate per cent established for the dead, and the amount thus determined, shall be paid from the aggregate profit of the California Legion, that for the sick, to him personally, that for the dead to the heirs of the dead.

Section 10th. The members of each group individually, and collectively, shall be responsible to the board of directors, and faithfully account to them for, and regularly ~~once in each week~~ deposit with the Treasurer of the Legion, all the gold or other valuable mineral not before deposited with the Treasurer, which the previous labor may have produced.

Section 11th. The President and Treasurer shall, as often as the gold shall accumulate with the Treasurer to one thousand ounces, cause it to be transported to San Francisco, or some more favorable shipping point, in the safest possible manner, and by the quickest, cheapest, and safest conveyance, ship it to New York or Philadelphia, consigned to the President and Secretary of the Phalansterian Company, on which insurance shall be effected. And it shall be the duty of the President of the California Legion to make monthly reports of the transactions of the legion, and transmit a copy of each, certified by the recording Secretary to the President of the Phalansterian Company as promptly and regularly as opportunity offers.

Section 12th. All supplies beyond the outfit necessary for sustaining the members of the California Legion, to the end of the mining term, and for returning home those who choose to return at that time, shall be reserved, set apart, and appropriated, from the first remittance of the California Legion; and from any funds that may remain of the first remittance, or from the next remittance of the California Legion, shall be appropriated for

and paid over to the share holders, each the amount originally subscribed without interest.

Section 13th. That the interest of the North American Phalanx may not suffer from too long absence of any of its members, it may substitute other of its members to replace those who may be authorized to return by its Executive Council, provided that no member shall be released earlier than eighteen months from the day of sailing, and that the substitute shall be at the mines to replace the released member before he leaves, and provided that the expense attending the substitution be deducted from the dividends belonging to the members from the North American Phalanx.

Section 14th. Each member of the California Legion who shall have fulfilled his mission of three years service, and received a testimonial of faithful discharge of duty from the Board of Directors, signed by the President and Recording Secretary, shall, whenever they may choose to apply, stand a nominated and privileged candidate for admission to membership of the North American Phalanx, and shall take precedence of all other applicants, and shall also be entitled to as many shares of stock of the North American Phalanx from the Harmonian Council, at its par value as he may wish.

Section 15th. To secure to the members of the California Legion, the application of the principle, equitable distribution of profits, the board of directors, with a committee of three appointed by the legion, shall prepare a decimal scale, for rating the value of services of each individual of the Legion, which scale shall have a maximum and minimum limit, and which, when adopted by the board, shall be recorded by the Recording Secretary, and become a fixed law, during the continuance of the organization of the Legion.

Section 16th. The Board of Directors shall constitute a Board of Equalization and destribution of profits to services, and shall establish rules for the action of the Groups, which will secure frequent and the most accurate reports, of the value of each man's services, upon which reports the Board shall semi annually, and oftener, if deemed advisable, rate the value of each man's services, for the previously unrated time, the average of which several ratings, at the close of the three years term, shall determine the proportion of profits to be divided to each member.

Section 17th. The California Legion shall enact its own by-laws by a majority vote of all its members, and may alter or amend them by a vote of two-thirds of all its members, such alteration having been proposed one month prior to final action.

Article IX.—Harmonian Fund.

Section 1*st*. All that portion of the profits arising from the operations and mining of the California Legion, which is by this Constitution set apart for, and devoted to the realization of Association in the Phalanstery, and all the dividends on stock, or sale of stock arising from its investment, shall be denominated the Harmonian Fund; which fund is hereby consecrated, perpetually, to the cause of Phalansterian Association, and shall be appropriated and applied, in the manner described in the following section of this article, viz:

Section 2*d*. When the Harmonian Fund shall amount to thirty thousand dollars, the Harmonian Council shall proceed by committee to select a suitable site, on or near the domain of the North American Phalanx, on which to erect a Phalanstery, and to procure architectural design, or designs of a model Phalanstery, which shall admit to the full Phalansterian life, not less than five hundred nor more than one thousand persons, and so planned that the whole can be constructed in sections, each section costing not less than twenty, nor more than forty thousand dollars, and combining all the possible conveniences of the full Phalanstery, at little or no extra cost; and which, when the whole Phalanstery shall have been completed, will not mar its symmetry or utility.

Section 3*d*. The Harmonian Council shall appropriate twenty-five thousand dollars, and cause for that sum a section of the Phalanstery to be erected on the site selected by the committee having been agreed upon by the Harmonian Council, and accepted by the North American Phalanx.

Section 4*th*. The Harmonian Council shall, as the Harmonian Fund successively accumulates to the necessary amount, make other appropriations, and cause other sections of the Phalanstery to be constructed, until the whole be completed; and may also, current with the erection of the various sections of the Phalanstery, make appropriations for enlarging, improving and beautifying the Domain, and purchase additional land and implements of husbandry, live stock, mechanics' tools, machinery and kitchen utensils, not to exeeed one-fourth the amount of the sums appropriated for the erection of the Phalanstery.

Section 5*th*. On the completion of each section of the Phalanstery, the amount that had been appropriated for its erection, and for the other purposes described in the next preceding section, shall be subscribed to, invested in, and associated with, the stock of the North American Phalanx, by the Harmonian Council, and become a part of the joint stock capital thereof,

and for the consideration, that certificates of stock to the full amount of such investment shall be issued to the Harmonian Council by the North American Phalanx; the Harmonian Council shall transfer and convey the title to all the property in the investment, to the North American Phalanx; conditioned that dividends shall be paid on stock held by the North American Phalanx, only in proportion as it is fully represented by labor in the Phalanx: and upon a just principle of awarding profit, to labor, capital and skill.

Section 6th. On the completion of the North American Phalanstery and extension of the domain to its required limits, the Harmonian Council and the North American Phalanx, acting together as a constituent Council, shall give to the Phalanx a constitution, based upon the principles of

Joint Stock Property;
Co-operative Labor;
Association of Families;
Equitable Distribution of Profits;
Mutual Guaranties;
Honors according to Usefulness;
Integral Education;
Unity of Interests;

as set forth by Charles Fourier, in his work entitled THE NEW INDUSTRIAL WORLD.

Section 7th. After the completion of the Phalanstery and Domain of the North American Phalanx, and the Harmonian Fund shall have accumulated one hundred thousand dollars more than shall have been required by all previous appropriations, the Harmonian Council shall proceed by committee to select another location for a Rural Domain; which committee, in their examination, shall have reference, as primary objects, to variety of aspect, and of surface, variety and quality of soil, supply of water for the Phalanstery and Domain, and for mechanical power, proximity to market, and contiguity to rail road or navigation; and when a site has been selected by the committee, and agreed upon by the Harmonian Council, a purchase of land to the amount of fifty thousand dollars shall be made.

Section 8th. Current with selecting the site for a Domain, the committee shall procure the best architectural design of a Phalanstery, which in its dimensions, arrangements, and appointments, will admit to the full Phalansterian life, two thousand persons, and so planned that the whole can be constructed in sections, each section costing from thirty to fifty thousand dollars, and combining all the possible conveniences of the full Phalanstery, at little or no extra cost, and which, when the

whole Phalanstery shall have been accomplished, will not mar its symmetry or utility.

Section 9. The Harmonian Council shall appropriate forty thousand dollars, and cause for that sum a section of the Phalanstery to be erected, on such location as the committee for the selection of the Domain shall designate; and shall also appropriate ten thousand dollars, to be expended in live stock for the Domain, implements of husbandry, machinery, mechanics' tools, and kitchen utensils.

Section 10. After the erection of the section of the Phalanstery, the Harmonian Council, by a majority of all its members, shall organize a Phalanx, give it a title, prescribe rules for the admission of members, and till the section is fully peopled, decide by committee upon the admissibility of all applicants for membership; and give it a constitution based upon the principles expressed in Section 6th of this article.

Section 11. As often as the Harmonian Fund shall accumulate to the amount of one hundred thousand dollars more than have been required by all previous appropriations authorized in this constitution, the Harmonian Council shall cause to be erected other sections of the phalanstery, and the purchase of land additional to the domain, and stock, implements, and fixtures, in such proportions as the experience of the phalanx would indicate most promotive of its interest, until the design described in section 8th of this article shall have been accomplished, and a domain of appropriate extent and appointments, suited to the wants of the whole, shall have been added.

Section 12*th*. As each section of the Domain, Phalanstery, and appointment, have been completed, as provided in the preceding section, the Directors of the Harmonian Council shall resolve the whole cost into stock, consisting of shares of one hundred dollars each, retain the same as a part of the Harmonian Fund, and when the whole shall have been completed, transfer the title in the Domain and Phalanstery, and all appurtenances, to the Phalanx constituted for its occupation, and all dividends on the stock, upon a just principle of awarding profit to labor, capital and skill, determined upon by the Harmonian Council, shall be paid over to the Harmonian Council, and become a part of the Harmonian Fund.

Section 13*th*. The Harmonian Council may sell of the Harmonian Fund, stock in any Phalanx constituted by them, to any member of such Phalanx, at its *par value*, but not less; and to any member of any *other Phalanx*, at its market value, but not less than par; but the right to vote on the stock of any such Phalanx shall be confined to its own members.

Section 14*th*. The Harmonian Council shall act as a Board

of Trustees, for all contributions, donations, and bequests, intended by the author or authors to advance the cause of association; and may add the same to the Harmonian Fund, or appropriate it specifically, according to the instructions of the author.

Section 15*th.* To continue the integrity of property, and integrity of application of the Harmonian Fund, after the California Legion shall be disbanded, the Harmonian Council shall be perpetuated in the following manner, viz. One hundred members being the integral number, whenever that number shall have obtained after the Legion shall be disbanded, each vacancy in the Harmonian Council may be filled only by a member of a Phalanx established by the Harmonian Council, and by a unanimous vote of the supervising board of such Phalanx, each new member being elected from the members of, and by the Board of the Phalanx, having the fewest members in the Harmonian Council, but no member of the Harmonian Council shall be entitled to vote on the election of a member to the Harmonian Council.

Section 16*th.* The Harmonian Council shall become, and remain, perpetually, a body inherent in the North American Phalanx, after its full organization as described in the 9th article of this constitution; and shall be the sole depositary, keeper, and dispensor of the Harmonian Fund; and as the available means of the fund shall accumulate, either from the operations of the California Legion, dividends on stock, sale of stock, or from any other internal or external source; the *Harmonian Council* shall establish other phalanxes, in succession, upon the same principles as have been detailed in this article beginning at section 7th.

Section 17*th.* At all meetings for the transaction of business, of either the Phalansterian Company, the Harmonian Council, or the California Legion, and of their Boards of Directors, a majority of all the members of each, shall constitute a quorum.

Section 18*th.* On all questions touching the investment, appropriation, or outlay of funds by the company, or either department, or either Board of Directors, a majority of all the members belonging to each, shall be required; and on all other questions a majority of the members present shall be required.

ARTICLE X.—AMENDMENTS.

This Constitution may be altered or amended by the Harmonian Council, by a unanimous vote of all its members, at a regular meeting; the alteration or amendment having been proposed, and each member having had a copy of the proposed amendment at least one year before final action; absent members having a right to vote by proxy, on all questions of alteration or amendment.